



Case Report

Maid abuse

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ABSTRACT

Domestic maid violence is an assault and coercive behaviour, which mainly includes physical, psychological and at times sexual too, by employer or household members of employer against a person hired as a domestic help. Maid abuse is well known but poorly documented in scientific literature. This is an important global issue. In this article, two illustrated cases of maid abuse are discussed. Their employers allegedly subjected both the victims to physical and psychological trauma. The physical examination of the victims showed poor state of clothing, nutrition, and presence of injuries of different duration. The bruises were irregular to patterned, and were inflicted by beating. Both cases had eczematous contact dermatitis over palms and soles, paronechia, and sub-ungal fungal infection due to unprotected working in wet conditions. In both cases, external ears were deformed like cauliflower flowers due to repeated trauma. All cases had multiple injuries of varying duration. In this paper, medico-legal and social issues related to maid abuse are also discussed in detail. A possible solution to minimise maid abuse is also suggested. This paper highlights and documents maid abuse.

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1. Introduction

Malaysia is a federal of thirteen States and three federal territories in South East Asia with a total population nearly 25 millions. Malaysia borders Thailand, Indonesia, Singapore, Brunei and the Philippines. It has GDP per capita at USD 13,000. It has been considered a newly industrialized country.^{1,2}

Malaysia is also one of wealthiest countries in South East Asia and attract as magnet for migrants fleeing here to work. The flow of migrants to exploit the job opportunities in Malaysia began in the 1970 and has continued till today. Presently, over 3.4 million migrant workers are working in Malaysia from around Asia, majority come as domestic helpers or maids. The supply of unskilled foreign female workers in Malaysia is approximately 60,000 per year. About 90% of total maids are Indonesian; rest 10% includes Philippines, Sri Lankan, Bangladeshi, Pakistani and Indians.^{3–8}

Increasing mobility in the era of globalization and unable to find adequate employment at home, millions of Asian women migrate for work. It could be due to poverty, unemployment, desire to progress, or violence in their countries. Currently, the International Labour Organization estimates that 22% Asian work outside of their home country.⁹ The feminization of labour migration is particularly pronounced in the Philippines, Indonesia, and Sri Lanka. In these countries, national-level estimates indicate that women

comprise 60–75% of legal migrants, a significant proportion of whom are employed as domestic workers in Middle East, Singapore, Malaysia, and Hong Kong.^{9–11}

Domestic maid violence is an assault and coercive behaviour including physical, psychological and at times sexual too by employer or members of his house against a person hired as a domestic help. There are different ways of producing physical injuries. These are inflicted to create a sense of fear and terror or bring them to discipline or expect them to behave and work in a desired way. The common ways of infliction of injuries or neglect can be summarized as:

- I. Physical injuries causing pain are caused mainly by beating with hands, legs, blunt objects like cane or wooden stick or any other house-hold item easily available at that time.
- II. Physical exhaustion.
 1. Physical exhaustion due to over work and insufficient food.
 2. Forced labour without providing any care, protection and money.
- III. Physical injuries that cause disfigurement, mutilation and permanent disability to bring down their beauty.

Injuries mostly are present in the form of abrasions, contusions, lacerations, burns from burning cigarettes or heated instruments, electrical injuries, alopecia due to hair pulling, haematoma, swellings, fractures, dislocations, infections, scars, malunited fracture. At times patient may also present with disfigurement of face, vision loss and vertigo, defective posture, gait, and impaired memory. Maid abuse injuries are mainly comprised of common type bruises

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and abrasions produced by repeated beating by material easily available at hand.

Every victim should be completely examined after consent in a systemic manner. It should start with general physical examination, local examination of skin and joint and followed by systemic examination. In general examination-appearance of the person, skin colour texture, and face, eyes for anaemia or infection, peri-orbital oedema, ears, nose, throat, oral cavity, teeth, genitalia should be examined as per the requirement of case. A total overview of injuries or abuse signs should be taken into account. In addition to general physical examination, one should also assess mental status of the person.

Pre-employment lesions of any accidental or previous major injury should be verified from the document or records as frequent blackmailing for economical reasons are also likely. Maid abuse can be evaluated as physical, sexual or psychological.

2. Case summary 1

A young married female in her late twenties took domestic employment on a regular monthly salary basis on contract for 4 years. It was alleged by her that she was asked to work day and night. Salary was not paid to her directly. Even basic amenities of food and clothing were not taken care of (Fig. 4). She had poor state of clothing.

Basic needs were not fulfilled. She also alleged that she was offered left out food. She denied any sexual exploitation or abuse. One day she mustered courage with her co-worker to cross the four walls of the house in the mid night. Both were spotted by security staff and were brought to the PPUM hospital, Kuala Lumpur by the police for expert forensic opinion. A detailed medical examination and photographic documentation of the victim was carried out after their consent. Medical examination showed poor physique, peri-tibial and peri-orbital oedema due to anaemia and hypoproteinaemia. There was no hearing loss. X-rays did not reveal additional findings or fresh fractures.

The important findings were recorded as:

1. Poor state of clothing (Fig. 1).
2. Deformity of both ears in form of cauliflower ears (Figs. 2 and 3).
3. Dermatitis of both hands and soles (Figs. 4 and 5).
4. Multiple contractures of small hand of inter-phalange joints (IP joints with deformity (Fig. 4).
5. Patterned bruises and some old injuries (Fig. 6).

The relevant photographs (Figs. 1–6) of the case are shown here as under.



Fig. 1. Poor state of clothing, torn half pant with multiple holes on sides and back.



Fig. 2. Deformation of ear in the form of 'cauliflower' ear.



Fig. 3. Resolving injury in the middle of ear pinna, and faint bruises over face likely due to slapping.



Fig. 4. Patient hands show dermatitis, paronchia, sub-ungual fungal infection and deformity of fingers joints with fresh bruises over dorsum of hands.

3. Case summary 2

A married female worker (co-worker of case 1) in her mid-twenties took domestic employment on regular monthly salary basis on contract for 4 years along with her friend on same terms and conditions. She also alleged of over-work, ill treatment, improper



Fig. 5. Both soles showing eczematous dermatitis and chronic inflammation.



Fig. 7. Deformed injured ear in form a 'Cauliflower'.



Fig. 6. Patterned bruises over foot inflicted by thin wooden stick.



Fig. 8. Multiple bruises on different occasions over lower limb.

and insufficient food. She was forced to work without protective gloves and gum boots. Her basic needs were not fulfilled. She denied any sexual exploitation or abuse by any member of the family. She gathered courage with her co-worker to run away from the house in the mid night. Both were discovered by security and were brought to the PPUM hospital, Kuala Lumpur by police for expert forensic opinion. A detailed clinical forensic medicine examination of the victim was carried out after their consent. Medical examination of her showed poor physique, peri-tibial and peri-orbital oedema due to malnutrition (anaemia and hypoproteinaemia). There was no hearing loss. X-rays did not reveal any other additional findings or fresh fractures.

Important findings were as:

1. Deformity of both ears in form of cauliflower ears (Fig. 7).
2. Multiple patterned and irregular bruises fresh and old duration (Fig. 8).
3. Multiple contractures and deformity of inter-phalangeal joints (IP) joints (Fig. 9).
4. Dermatitis of both hands and soles (Figs. 9 and 10).

The relevant photographs (Figs. 7–10) of the case are shown here as under.

4. Opinion

The victims had injuries of different durations and these were produced by blunt force. Patterned injuries over the body were



Fig. 9. Deformed inter phalangeal (IP) joints with dermatitis.

produced by stick or twig like object(s). All injuries were simple in nature except injuries to ears and fingers in both of the victims. The state of nutrition, skin and clothing were consistent with nutritional, physical neglect and psychological neglect. The dermatitis over soles and palms could be seen in chronic unprotected contact with detergent or like corrosive substances in wet working. All findings were consistent with physical abuse and neglect.



Fig. 10. Patient deprived of sleepers/gum boots while working in wet areas, mainly dealing with water and detergent (dermatitis of both soles).

5. Discussion

Abuse of underprivileged existed since times immemorial. It rarely comes to notice due to numerous factors and social fabric. The socio-economical conditions of the victims usually remain very low as compared to their perpetrator. Most of foreign domestic workers belong to this category. Maids are mostly employed in two ways:

1. Full-time workers: Full-time maid are employed to do all types of domestic chores. They share lodging and boarding with employer within the house premises. These are usually on proper written contract.
2. Part-time workers: These maids are employed on piece meal work basis. They come and go back to their homes outside the employer's premises. These may be on contract or illegal immigrants. The reasons of their vulnerability to abuse are explained in box.

Foreign domestic workers are especially vulnerable to abuse by their employers having varied reasons as below.^{4–12}

- Coming from a foreign country which is usually economically poorer or under developed;
- They belong to underprivileged section of society which has no much say;
- There is no fair contract of employment;
- There is no adequate legislation to protect these domestic workers;
- Domestic work is assigned less importance or de-valued;
- Foreign domestic workers are often viewed as culturally inferior, sometimes less than human;
- Poor in skills and education;
- Multiple marriages, over population, poverty and lack of employment in their home countries;
- They have lots of boy friends, sleep around, and are diseased;
- They steal husbands;
- Their culture is considered inferior to the local culture; and
- Her influence and low values may corrupt the family unit.

In Malaysia, majority of maid workers are full time workers and most come from neighbouring poor countries. Some have legal work permit and others are illegal migrant. Here, 90% maids are from Indonesia, rest are from Philippines, Sri Lanka, Bangladesh, Thailand, and other countries.^{9,13} Indonesian maids are common because they resemble with local people in their look, physical structure, skin colour. They follow same religion, culture and speak similar language. The average monthly salary of maid varies from 400 to 800 Malaysian Ringgit (150–200 USD). Working hour ranges from morning to midnight. In addition to personal stress, social network breakdown, exploitation by criminal elements or traffickers is also added risk factors of these jobs. They have uncertainty about their jobs. The supply of unskilled foreign female workers in Malaysia is on increase in demand. The husbands of these foreign workers also forced by circumstances to give easy consent for sending them to Malaysia, Singapore, Arab States, Japan and other developed countries. To add their sufferings, husbands rehabilitate themselves by indulging in another marriages due to social customs or are too poor and helpless to exercise any choice.

The feminization of labour migration is particularly more in the Philippines, Indonesia, and Sri Lanka. In these countries national-level estimates indicate that women comprise 60–75% of legal migrants, a significant proportion of whom are employed as domestic workers in middle east, Singapore, Malaysia, and Hong Kong.^{10,14,15}

For countries such as Indonesia, the Philippines, Sri Lanka, India, Bangladesh, Pakistan, and Thailand, the "export" of labour has become an increasingly important strategy for addressing unemployment, generating foreign exchange and fostering economic growth. Economically developed and developing countries in Asia and the western hemisphere receive the majority of these inflows.^{10,13}

In USA^{1–6}, an employer who "wilfully violates" the minimum wage requirements of the FLSA may also be subject to criminal penalties of a fine of not more than \$10,000 and a term of imprisonment of up to 6 months. A rich Indian-American couple were convicted of "modern day slavery" for subjecting two housemaids to repeated psychological and physical abuse. They were alleged of maltreatment, taking overwork, and beatings with brooms. The American trial court found them guilty.²³ Domestic workers face multiple abuses in Gulf States. They are often discriminated against, exploited, even abandoned in their host countries.¹⁷

On contrary, maids are also alleged to neglect their work and most misuse their phones on chit-chatting with boy friends and pass their time in day-dreaming and at times become liabilities and source of economic exploitation to the engaging families.^{3–7,17}

The fatal cases are also reported in the region as in one study in Singapore due to suicide, work-place accidents mainly from jumping/falling in residential areas.⁴ Most of the migrant workers are reluctant to report the incident to law enforcing agencies due to fear of deportation and situation in their own countries could even be worse. Incidents of maid abuse are also highlighted by media.¹⁸ Many workers do not get one-year salary which is taken by recruiting agencies which charge 4500–6000 RM as charges from employer. Ordinary labour laws tend them to exploit.^{3,10,25} Actually, exact prevalence of abuse cases is not known in this region due to under or non-reporting. One embassy office of neighbouring country each year get about 1200 complaints of unpaid wages; however cases belonging to sexual and physical abuse are a few.^{19–22}

The injury should be described in all details; it should include description of wound and its dimensions like length, breadth, and depth. It is essential to take photographs as cross examination ahead may be unpleasant. It is produced as an evidence in the court of law as injuries heal rapidly and will not be there at the time of evidence or lapse of period. This recording makes the thing simple, evidence become more clear, convincing and objective, refresh the memory of investigator and witness. Videography in every case may not be required, but at times when person is a foreigner and

there are chances that victim may not come again due to various reasons then it is an essential corroborative tool. On the back or MLC or at times hand made sketch may be prepared. Incorporation of sketch and diagram in the description makes the thing very clear. Accuracy always helps in right diagnosis on causation of injuries. Presence of injury on physical examination may show:

1. Injuries/tenderness/swelling/bleeding/infection in affected body areas.
2. Limitation of activity of involved part of the body.
3. Permanent disability or disfigurement.
4. Lessening of function of affected member or joint of the body.

Pain in muscles and joints is very common complaint in severely abused victims. The complaining symptoms are pain and swelling in muscles and joints, fractures and dislocations, back pain, neck pain, painful muscles, restriction of movements with pain.

Face may have swelling, pain, tenderness, crepitation due to fracture. X-Ray should be advised to rule out or confirm fracture in cases which can be clinically supportive. Oral cavity may have gingival tears, haemorrhage, and infection of the gums which should be noted. Dental hygiene may be very poor, even brush and paste may not be provided.

Ear pulling, wrenching, rubbing may leave injured pinna, extremely painful. Blows to the side of ear can produce small haemorrhages on external part more soon on anterior folds of the ear. Pulling of ear or severe pinching on pinna can cause bruises on the helix or behind the ear. A "cauliflower ear" is an injury to ear pinna in which ear gives appearance like a cauliflower piece. This is basically swelling due to haematoma collected between cartilage and skin.²²

For cauliflower ear to form, the ear has to be smashed hard enough for a large blood clot, which eventually causes damage to the shape and structure. If this ear haematoma is not treated, the accumulated blood and fluid is slowly replaced by scar tissue which leads to permanent deformity. If blood and fluid is not drained in 7–10 days then scarring starts forming, and within 4 weeks the new tissue is changed into mature cartilage.²² There can be hearing problem, ear pain with tinnitus and giddiness. Brutal beating in form of slapping, rupture of tympanic membrane is very frequent. A rupture of 2 mm diameter has very fair chances of healing within a week to 2 weeks duration. Hearing loss assessment should be carried out at the earliest.

Physician must test for mobility of major and minor joints where suspension is there. With advanced radiological techniques like MRI, tears in tendons, ligaments and muscles may be detected. Muscles, tendons' tear and bone bruises heal without leaving evidence.¹⁴ In Joint trauma, there is history of pain, loss of function, swelling, difficulty in performing function, skin bruising, oedema, restricted range of movement, tenderness at the site of injury, wounds, muscle tenderness, inflammation signs, ache, occlusion, muscular wasting in chronic trauma.²³

Fracture can be produced by direct or indirect forces. Direct fracture can be seen locally as focal and crushing fracture. It is advisable that X-Ray should be taken even in frank fracture cases to be more precise in diagnosis and collection of evidence. The soft callus is visible in 2 weeks, callus as woven bone in 3–4 weeks, hard callus is seen beyond four weeks, and it heals in 6–8 weeks depending on the age and physical status of the person.^{23–25}

There were multiple injuries of different duration which are compatible with physical abuse and neglect in our cases. Injury to ears (deformation) and fingers (ankylosis and contracture) were grievous in nature in both the cases. Medico-legal examination of living persons differ from other medical examinations in that usually only one opportunity is given to observe and describe lesions

before they disappear due to healing. Since conclusion is based on, the examination of victims or suspects, the evidence of lesions or staining should not be overlooked. The different colour hues in bruises help in estimating duration of infliction of injuries.²⁶

In this particular incident, both victims suffered from same kind of abuse. Their clothing was in a very bad shape; nutrition was not appropriate. In these circumstances mental status of victim as well as perpetrators should be assessed to rule out any personality disorder and depersonalization. At times, there are false accusations due to more economical gains or possible reason for giving up job for better salaries.

Injuries causation are covered under already existing sections of Malaysian law²⁶ (Malaysian Penal Codes 319, 320, 321, 322, 323, 325) depending on the nature of injuries as simple/grievous or dangerous.

Section of 320 of Penal code [Box]: the following kinds of hurt only are designated as "grievous".

Section 320

- (a) Emasculation;
- (b) Permanent privation of the sight of either eye;
- (c) Permanent privation of the hearing of either ear;
- (d) Privation of any member or joint;
- (e) Destruction or permanent disfigurement of the head or face;
- (f) Permanent disfigurement of the head or face;
- (g) Fracture or dislocation of a bone;
- (h) Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Section 321. Voluntarily causing hurt:

Section 323. Punishment for voluntarily causing hurt – person causing hurt shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand ringgit (USD 650), or with both.

Other sections which are attracted are 322. (Voluntarily causing grievous hurt) and Section 325. (Punishment for voluntarily causing grievous hurt). In Section 325, whoever, causes grievous hurt, shall be punished with imprisonment for a term which may extend to 7 years, and shall also be liable to fine.¹⁷

In these cases, Section 334. (Voluntarily causing hurt) on provocation, and section 335. (Causing grievous hurt on provocation), have to be considered before deciding the quantum of punishment. Section 334 carries maximum 1 month imprisonment, or fine of RM 1000; Section 335 carries imprisonment up to 4 years, or with fine of RM 4000. Majority are simple hurt cases.^{18–20}

In these cases, two sub-clauses **v.** destruction or permanent impairing of power of any member or joint, and **vi.** Permanent disfigurement of head or face is in consistency. In both cases finger joints were permanently damaged and ears were disfigured. Rest of the injuries were simple in nature and were caused by blunt force. In both cases malnourishment, poor clothing, dermatitis resulted from neglect and proper care, either by themselves or by perpetrators.

While opining over the issue, answers should be given in objective and scientific manner so that there is no ambiguity and any misinterpretation or miscarriage of justice can be avoided. In these cases, duration of infliction also play very important role as injuries of multiple duration is one of the core issues in such situations. In living persons only colour changes and reparative process are used to make an idea about duration. Before opining on age of bruise, anaemia, skin disease, purpura, and use of anticoagulants should be ruled out.

Presently, only victim-oriented approach exists and as such no general or periodical counselling/rehabilitation is in practice. In a random newspaper survey, there were 159 stories of foreign workers' abuse, 15 stories were of maid abuse cases in a period of 2 months in 2007.¹¹ In Malaysia, immigrant female workers carry out most of the cleaning, household, plantation, and other labour works. The services and demand of maids are increasing. Only a little fair dealing is desirable on both sides. Malaysian authorities have also stepped up efforts to deter the abuse. The government set up a 24-h hotline for maids to lodge complaints.^{11,19,21} Few measures taken up by authorities include^{11,21}:

1. Life time blacklisting of guilty employer (means, they cannot employ maid in life).
2. Verbal and emotional abuser face 3 years ban for hiring maid.
3. Failure to pay wages faces two-year ban for hiring.

In this case, employers were booked for causing voluntary hurt and were asked to pay all damages.

Solutions to maid abuse:

1. *At society level* – inculcate habits of self-reliant and self-care culture and habits. Family should work as a team. In long run, there should be less dependency on foreigners.
2. *Government level* – it can act by keeping vigilance on recruiting agencies Embassies may have some system so these affected persons can lodge their grievances. Labour Department can make surprise inspections to verify the conditions.
3. *Maid level* – they must
 - avoid false allegations due to loss of job apprehension;
 - keep in touch with family/agency;
 - registration at Embassy level and periodical brief-up;
 - avoid trapping in extortion, blackmailing and criminal-prostitution racketeer;
 - ask medical services/insurance benefits at the time of employment.
4. *Social worker/NGO*: these can help in detection of cases by field survey by door-to-door activities.
5. *Financial measures*: compulsory deposit of security money with insurance/govt/ embassies/or with bank at the time of hiring services. Some portion or whole salary should be deposited in their bank accounts.
6. *Medical Examiner level*

Basic role of a doctor in such cases is to detect:

- I. Injuries or findings of physical abuse; proper and accurate documentation of injuries;
- II. Any existing systemic disease (any natural disease condition i.e. purpura, any vitamin B, C deficiency disease etc);
- III. Ruling out or showing consistency with non-accidental injuries. Make sure about diagnosis, ruling out probable differentiation diagnosis;
- IV. Evidence preservation of both negative and positive findings for the purpose of police/court. Photographic/video graphic evidence recording or biological evidence as required;
- V. Ruling out self-inflicted or self-suffered injuries;
- VI. Treatment as per need of the case or proper referral;
- VII. Photographic evidence preservation in following ways will be helpful in investigation/during trial.
- Recent close and distant photographs of the victim (clothing, body, injuries, place of living).
- Clothing, if required to corroborate neglect or some biological stains are there (blood/Semen).
- Medical investigation reports like X-ray, electrolyte balance or chemistry report for starvation and malnourishment.

- Previous photographs (at the time of coming), could be retrieved from record or contract copies.

Possible questions of investigator or defence to the medical examiner are summarized in box.

- Are there any injuries?
- What was the duration of injuries?
- Are these injuries of accidental nature?
- Are these injuries suggestive of neglect or abuse?
- Could these injuries be sustained due to careless house hold work?
- Are these injuries self-inflicted, self-suffered or deliberate self harm?
- Did these injuries occur before present employment?
- Were these old injuries if any documented at the time of employment?
- Is the person mentally challenged or having any personality disorder?
- Could these injuries have been sustained during inter-personal fight?

Simple measures like providing basic amenities, proper attention to their genuine needs can maintain good relationship. Finally, poverty, unemployment and over population in their native countries still force them to adopt this profession. Only concern of the society is that they should not have threat or pressure on their mind, and must have autonomy, identity, and dignity. Maids must have a few basic human rights as:

1. Right to exercise their choice of working – whether to work or not to work.
2. Right of personal safety.
3. Right to seek medical assistance through medical insurance.
4. Right to have regular salary in their accounts for the period of work.

Symbiotic co-existence is the only alternative as foreign workers also contribute in nation's economy, perform duty, difficult, and dangerous tasks which locals don't want to do. The prime sectors which are still dependent on foreign workers are domestic work, construction, plantation, restaurant and nursing. Since migration from poor countries is inevitable, this is an important social issue. While a global awareness is needed on this issue, a periodical monitoring and adoption of checks and balances will go a long way in controlling this menace.

Conflict of interest statement

There is no conflict to declare.

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Ethical approval

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